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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,261	06/23/2000	Uwe Hansmann	DE9-1999-0047-US1	9323

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EXAMINER	
GROSS, KENNETH A	

ART UNIT	PAPER NUMBER
2122	13

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/602,261	HANSMANN ET AL.
	Examiner	Art Unit
	Kenneth A Gross	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on July 23rd, 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9, 17, 27, 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Fowlow (U.S. Patent Number 6,260,078).

In regard to Claim 1, Fowlow teaches the following: (a) a token comprising a non-volatile memory (Column 16, lines 35-38 and Column 15, lines 37-48). The computer apparatus for use in aquiring applet code is interpreted to be the token in this case. The token storing at least one unique software attribute, each attribute being provided to call up at least one software ("class name" as specified in Column 13, lines 20-21) comprising one of the application identified by the attribute and software components to form said application. In this case, the classes downloaded from the class server comprise software components to form an applet application. The token further containing a volatile memory (Column 15, lines 36-37), and a processor (Column 15, lines 33-34); (b) an apparatus for establishing communications between the token and data-processing device (Column 16, lines 43-47); and (c) a data-processing device comprising applications or software components (Column 16, lines 48-51), a register for

registering software (Columns 11, lines 47-51), and a communications agent (Column 16, lines 43-47).

In regard to Claim 9, Fowlow teaches registering software names on a naming service for client lookup purposes. A table or a database is a well-known method of storing data for future retrieval; the use of a database would have been obvious to one of ordinary skill in the art since a table or database allows for organized data, and fast retrieval.

In regard to Claim 17, Fowlow teaches the following: (a) establishing a communications between the token and data-processing device (Figure 4, item 406); (b) reading the unique application identifying data stored in the token to enable an agent to build and start a given application, each attribute being provided to call up at least one software comprising one of an application identified by the attribute and software components to form said application (Column 13 lines 20-21). The class name attribute is unique for each class loaded, and in this case, the classes downloaded from the class server comprise software components to form an applet application; (c) determining whether the software is available at the data-processing device using the identifying data to form the application identified by the attribute (Figure 5, items 502, 506, and 508); and (d) loading the software when found on the processing device (Figure 5, items 504, 512, and 514).

For specific rejections of Claims 27, 28, and 30 under Follow, see the office action mailed on July 16th, 2003.

Claim 31 is a device claim that corresponds with method Claim 17 and is rejected for the same reasons as Claim 17, where Fowlow teaches a device for carrying out said method of Claim 17 (Figure 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-8, 18, 21-23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Powers (U.S. Patent Number 5,521,362).

For specific rejections of Claims 2, 4-8, 18, 21-23, and 29 see the office action mailed on July 16th, 2003.

In regard to Claim 3, Fowlow teaches the apparatus of Claim 1, but does not teach that the token is a portable data-processing device. Powers, however, does teach a chip card, which is a portable data-processing device (Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build the apparatus of Claim 1, as taught by Fowlow, where the token is a portable data-processing device, as taught by Powers, since this allows a smaller, more portable version of the token taught in Claim 1.

6. Claims 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Wallace et al. (U.S. Patent Number 6,262,791).

For specific rejections of Claims 10-13 and 15, see the office action mailed on July 16th, 2003.

7. Claims 14 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Powers (U.S. Patent Number 5,521,362) and further in view of Wallace et al. (U.S. Patent Number 6,262,791) and Perlman et al. (U.S. Patent Number 6,023,585).

For specific rejections of Claims 14 and 26, see the office action mailed on July 16th, 2003.

Claims 24 and 25 are method claims that correspond to limintations that have already been addressed in the rejection of method Claim 14, and Claims 24 and 25 are rejected for the same reasons as Claim 14, where Fowlow teaches a method of said apparatus of Claim 14 (Figure 4).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Powers (U.S. Patent Number 5,521,362) and further in view of DiGiorgio (U.S. Patent Number 6,385,729).

For specific rejections of Claim 16 see the office action mailed on July 16th, 2003.

9. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Wallace et al. (U.S. Patent Number 6,262,791) and further in view of DiGiorgio (U.S. Patent Number 6,385,729).

For logic behind the rejection of Claims 19 and 20 under DiGiorgio, see the office action mailed on July 16th, 2003.

Response to Arguments

10. Applicant's arguments filed January 23rd, 2004 have been fully considered but they are not persuasive.

The applicant argues that Fowlow does not teach or suggest that a client has a token comprising a unique identifying attribute, which the client uses for communicating with a data processing device for obtaining applications. The client may know the class name, but does not have any unique information to use in obtaining access to an application (Page 20, lines 8-15). The class name, however, *is* the unique identifying attribute, in that it is used by Fowlow to identify a specific class on a class server, and download the class, where the class is an applet application (Figure 5, item 506, 508, and 512).

The applicant further argues that in the present invention, the user has a token comprising the unique identifying attribute, preferably on a chip card, where Fowlow assumes that the client has the class name and does not require any access verification or authentication, let alone a unique token which can communicate with other entities (Page 21, lines 3-11). However, first of all, the claimed language does not refer to any access verification or authentication, but merely a token that communicates with a data-processing device. Furthermore, the token is interpreted to be the client computer taught by Fowlow, where the data processing device that the client communicates with is the class server shown in Figure 2. Since no language exists in the claim that suggests what exactly the token is, the term 'token' in this case is given the broadest reasonable interpretation in the art. The applicant even states in the arguments that the token is "preferably on a chip card" (Page 21, line 4) indicating that the token can take one of a number of different formats.

The applicant further argues that Fowlow teaches that an object will give the client the name of a class needed for the application with no restrictions, and the client can then make queries and requests directly to servers, again without any authentication or access verification (Page 21, lines 20-25 and Page 22, line 1). However, there exists no claim language in the claims that suggest types of restrictions on the names of classes needed for an application, nor does there exist language to suggest making requests to servers with authentication or access verification. The present invention merely teaches a token connecting to a data processing device, which equates to Fowlow connecting a client to a class server.

The arguments with regard to DiGiorgio are moot due to withdrawing of DiGiorgio as a reference in the rejections of Claims 17 and 31. Claims 17 and 31 are now solely anticipated by the Fowlow reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG

TUAN DAM
SUPERVISORY PATENT EXAMINER